

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at the George C. Young Community Center, South Jamesport Avenue, Jamesport, New York on Tuesday, August 15, 2006, at 7:00 p.m.

**Present:**

Philip Cardinale,	Supervisor
Edward Densieski,	Councilman
George Bartunek,	Councilman
Barbara Blass,	Councilwoman
John Dunleavy,	Councilman

**Also Present:**

Barbara Grattan,	Town Clerk
Dawn Thomas, Esq.,	Town Attorney

Supervisor Cardinale called the meeting to order.

Supervisor Cardinale: "-- Jamesport, the Community Center-- by as usual the Pledge of Allegiance. John Stephans, News Review editor, will lead us."

(At this time the Pledge of Allegiance was recited, led by John Stephans).

Supervisor Cardinale: "Okay. And Chris, Chris is here-- Phelps (phonetic) with the Baiting Hollow Scout Camp. There are 37 scouts I understand here with you. I got that right. Chris Phelps, you are representing scouts throughout Suffolk and Nassau County who are working towards the rank of Eagle. So I'm really glad to have you here today."

I think I was supposed to let you do the Pledge of Allegiance. Well, let's do another one. All right? Now that I recall. Okay, you're ready?"

(At this time, the Pledge of Allegiance was recited, led by Chris Phelps).

Supervisor Cardinale: "Some of my board members indicated that

they think it was helpful to practice the words, that way they got them right the second time. Thank you very much. Thank you for being here. Do you have any questions, we'd be glad to answer them as we get into the meeting.

I'll answer them right now if you have a question.

While they're waiting to determine if they have any questions or comments, we would like to approve the minutes of the August 1<sup>st</sup> town board meeting. Someone please from the board offer them up for approval and someone second, please."

Councilman Densieski: "So moved."

Councilman Bartunek: "Seconded."

Supervisor Cardinale: "Moved and seconded. May we have a vote?"

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The minutes are approved."

Supervisor Cardinale: "Barbara, would you give us the Reports, please."

#### REPORTS:

Receiver of Taxes

Utility collections report  
total collections for July -  
\$259,740.20

Building Department

Monthly report for July, 2006  
total collected \$90,745.25

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "Applications, please."

#### APPLICATIONS:

Parade Permit

National MS Society - Sept 16  
12 pm to 4 pm - benefit and  
bike ride

Fireworks Permit

All County Amusements - Aug.

16 and 19, 2006

Special events

Martha Clara Vineyards - Aug.  
27 - Family Jamboree

Barbara Grattan: "That concludes Applications."

Supervisor Cardinale: "Correspondence, please."

**CORRESPONDENCE:**

Robert Dick and  
Tina Van Allen

letters of resignation from  
the position as members of the  
Board of Directors of the  
Riverhead IDA

Lisa Darrow

Letter of resignation from the  
position of cashier in the  
Sanitation Department

Board of Directors of  
Marlwood of Baiting Hollow  
P.O.A.

Regarding Wulfurst Farms LLC

Chris McCarthy

Regarding comments regarding  
the public hearing on the town  
code 86 revision

Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "We have public hearings scheduled - five  
of them which we can begin now. Is there any announcement from the  
board?"

Councilman Densieski: "Thanks Phil. I just wanted to thank  
Theresa Jackson (phonetic). She's a member of the Handicapped  
Committee. We just got notification today she's moving to Florida  
(inaudible). We're looking for new members, the Riverhead Advisory-  
Handicapped Advisory Committee. Anybody interested, please call town  
hall.

I'd like to thank Theresa for her several years of service. And  
just a reminder that this weekend is the Riverhead Polish Fair. So if  
anybody is interested, come on down and having a good time."

Supervisor Cardinale: "Thank you. Anyone else have an announcement?"

Those of you who have not yet met Trina Miles (phonetic)—Trina, why don't you stand up? This is my new administrative assistant, trying desperately to replace our own Peggy (inaudible) here from Jamesport who was with us for 15 months and who is commencing, I think today, Tulaine law school. So— but you're going to be even more remarkable. Thank you."

Public hearing opened: 7:15 p.m.

Supervisor Cardinale: "Okay. We have a 7:05 hearing for the consideration of a local law to amend Chapter 108 of the town code Commercial Districts Schedule of Dimensional Regulations.

Dawn, could you translate that into English for the public?"

Dawn Thomas: "Sure. This proposed local law seeks to amend the bulk schedule for several different zoning use districts in the commercial district schedule in the town code.

They are Riverfront Corridor, Business PB, Tourism Resort Campus in Industrial C and the changes are shown in the advertisement and underlined numbers and (inaudible)."

Supervisor Cardinale: "Okay. Now for those of you who didn't know that, which was me until I think last year, the bulk schedule is the one that talks about minimum square footage and with/without sewer, etc.

Now can you summarize— are there a lot of them or can you summarize the ones that are being changed?"

Dawn Thomas: "There are a lot of them but they're really— the dimensional regulations as you said, the— we call it the bulk schedules but it's the regulations in each zoning district, setbacks, heights, lot coverage, side yard, front yard, maximum impervious surface.

The Riverfront Corridor is changed significantly. Business PB— they're all underlined in the advertisement. I could go through them but it (inaudible)."

Supervisor Cardinale: "Okay. That's what— Barbara, I think,

has the clarification that we need. I was going to ask why are we doing this since we just passed the zoning last year.

Barbara, do you want to indicate why we needed to do this?"

Councilwoman Blass: "Because they were not on the schedule itself. (Inaudible)"

Rick Hanley: "Yeah. These are housekeeping procedures. As we review the site plans, we notice that there are some inconsistencies in the bulk schedules. I've had my planner keep a record of the amendments that should occur. We try to do them all at one time."

Councilwoman Blass: "For example, the 80,000 square foot minimum lot area in Riverfront corridor (inaudible)."

Rick Hanley: "Correct. It's actually in the draft text but it never got in the bulk schedule."

Supervisor Cardinale: "That's the- yeah, we're putting what was in the text into the schedule. I think that sums it up. That's why it's not particularly noteworthy or controversial."

Okay, now that we understand what it is, if anyone has any comment, we'd be glad to hear it. If there is no one with a comment on this particular hearing, we'll go onto the next and I'll note that we started it at 7:15 and we'll close the verbal testimony at 7:18 and keep it open for 10 days for anyone who has an inspiration and wants to send in a written comment."

Public hearing closed: 7:18 p.m.

Left open for 10 days for written comment

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Public hearing opened: 7:18 p.m.

Supervisor Cardinale: "We can move now to the second hearing scheduled for 7:10, it being 7:18. We can start that hearing for consideration of a local law to amend Chapter 101 of the town code Vehicles and Traffic. And, Dawn, could you tell us what that is about?"

Dawn Thomas: "Yeah. This proposed local law would amend the code to include a prohibition in parking on the pavement along Sound

Shore Road on both sides from Penny's Lane or Penny's Landing all the way to Pier Avenue. It would prohibit parking only on the pavement on that roadway."

Supervisor Cardinale: "Is there anyone in the public who would like to comment on this also relatively mundane amendment? We try to save these for Jamesport because I know they can get unruly out here so we try to keep them calm, simple.

If there is no written-- no verbal comment, I'll keep it open for 10 days for written comment, note that it's 7:20, close the verbal testimony portion."

Public hearing closed: 7:20 p.m.  
Left open for 10 days for written comment

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Public hearing opened: 7:20 p.m.

Supervisor Cardinale: "And move to the 7:15 hearing for consideration of a local law to amend Chapter 108 of the town code concerning residence B-80 zoning and permitted uses therein and A-80 and related sections.

Could you describe what we're doing here, please, Dawn?"

Dawn Thomas: "Yes. This changes the permitted uses in both the RB-80 and the RA-80 zoning use district to allow-- it's more specifically manages our greenhouse matters. So it adds to that permitted use section, a sentence that adds a permanent greenhouse to be used for retail sales shall be subject to site plan review and approval. It just clarifies that permanent greenhouse in those districts would be subject to site plan review."

Supervisor Cardinale: "And agriculture protection zoning use district also-- "

Dawn Thomas: "Oh, yes, I'm sorry. And-- "

Supervisor Cardinale: "In that district-- "

Dawn Thomas: "And site plan review."

Supervisor Cardinale: "And in the site plan review, a

consistent change."

Dawn Thomas: "Yes."

Supervisor Cardinale: "Clarifying that. Okay. If there is any comment, I'd like to take from the public now. If there is no comment verbally, I'll do the same, keep it open for 10 days for written comment from anyone who becomes inspired in some point in the next 10 days and close the hearing at 7:21."

Public hearing closed: 7:21 p.m.  
Left open for written comment for 10 days

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Supervisor Cardinale: "I know the next hearing-- is someone here from the engineering department-- H2M, the engineer."

Public hearing opened: 7:21 p.m.

Supervisor Cardinale: "This is about the-- the 7:20 hearing starting at 7:21, is for the extension of the water district to be known as Extension 88 - Gendot Homes Subdivision, Osborn Avenue.

And we have an H2M representative and the water district representative."

Dennis Kelleher: "Good evening. My name is Dennis Kelleher from the engineering firm of H2M. We are the engineers for the Riverhead Water District.

Tonight's public hearing is about providing public water to a proposed 10 lot subdivision which is located outside-- just outside the Riverhead Water District boundaries on Osborn Avenue.

On the map on display, highlighted in yellow is the proposed 10 lot subdivision. This-- it is located approximately 1800 feet off of Reeves Avenue on Osborn Avenue.

In order to provide water to the site, approximately 700 feet of water main-- 8" water main, will need to be installed. This is highlighted in orange on the map.

We would be connecting to the existing end-- some water main that is proposed to be installed within the next several months as part of

the adjacent subdivision known as Country Trails subdivision.

The existing water main for the Riverhead water district is highlighted in blue and the proposed water main which would be installed by the Riverhead water district as another- as part of another subdivision, is highlighted in green along Osborn Avenue. So we will be proposing to tie into the water main on Osborn Avenue and run the 700 feet into the proposed 10 lot subdivision.

We estimate the water use of this subdivision to be approximately 3,000 gallons per day on an average day and increasing to 9,000 gallons per day on a peak summer day.

The district is currently in the planning stages of providing additional capacity, pumpage capacity for the- to provide water for this subdivision and all future growth of the Riverhead water district. So the Riverhead water district will have sufficient capacity to supply water to the subdivision.

The total cost of providing water to this subdivision is estimated at \$79,000 which includes construction cost, design, inspection, and administration costs to the Riverhead water district. This total cost will be paid for by the developer at no cost to the residents of the Riverhead water district.

In addition to that, the developer will be required to pay key money fee of \$2,500 per single family home so for the 10 single family homes, the total key money costs for this subdivision will be \$25,000. This money is used to construct additional facilities as the Riverhead water district needs to provide water.

Thank you."

Supervisor Cardinale: "Thank you, Dennis. The superintendent of the water department, Gary Pendzick, is here if anybody has any comment or questions and if they do, please come up now and fire away. If they- if there is no questions- Dennis, do you know where they are in the subdivision process?"

Dennis Kelleher: "I do not. I think an approved site plan was forwarded on to Mr. Pendzick (inaudible)."

Supervisor Cardinale: "Rick, do you know where they are? Are the preliminaries approved or- "



Rick Hanley: " - preliminary approved and we're waiting final (inaudible) until such time- "

Supervisor Cardinale: "Preliminary approval, waiting final. Okay. If there is any other comment from the public, we would be pleased to take it. If not, I will close the verbal testimony at 7:25, keep the hearing open for 10 days to accept written testimony."

Public hearing closed: 7:25 p.m.  
Left open for 10 days for written comment

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Supervisor Cardinale: "The last of the five hearings this evening is for the consideration of a proposed local law to amend Chapter 101 regarding vehicle and traffic. Dawn, could you give us a summary of that, please?"

Dawn Thomas: "Yes. This proposed amendment would preclude parking on Hulse Landing Road on both sides from its intersection with North Wading River Road and going southerly to Park Street."

Public hearing opened: 7:26 p.m.

Supervisor Cardinale: "Okay. The- this proposed local law to amend parking as it relates to Hulse Landing Road from its intersection with North Wading River Road to Park Street is open. It's 7:26. We'd be glad to take verbal testimony if there is any. Assuming there is not, then we will hold it open for 10 days for any written that might come in and we have in record time completed- by 7:26, we've completed the five that were to conclude not later than the last one of 7:25."

Public hearing closed: 7:27 p.m.

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Supervisor Cardinale: "So we now have 48- I believe it's 48 resolutions that we're going to consider tonight which are equally uninspired but we will take comment on them as well from any member of the public who cares to comment on the resolutions. And, did you have something that you wanted to say?"

Councilwoman Blass: "I just noticed that one of the hearings that we had this evening actually has a resolution that's adopting one

of the parking prohibitions so (inaudible)."

Supervisor Cardinale: "Okay. Which one was it, Barbara?"

Councilwoman Blass: (Inaudible)

Supervisor Cardinale: "Does anyone— George, did you want to get that done— "

(Some inaudible discussion)

Supervisor Cardinale: "This is the last one, right? The second, okay, the second hearing, the 7:10— "

(Some inaudible discussion)

Supervisor Cardinale: "I remember it, yeah, okay. Okay. You are a representative of a civic association that brought this to our attention. It will be helpful to have this passed tonight so you can get the sign correct, right?"

Okay, in that case, on the 7:10 hearing, I am closing this hearing at this time for all purposes, both verbal and written, the rest we'll leave as it was."

(7:10 public hearing is closed at 7:30 p.m. for both verbal and written comments)

Supervisor Cardinale: "So that will allow us to pass it tonight. Thank you, Barbara. Sal, you wanted to talk about the resolutions. Go right ahead."

Sal Mastropolo: "745."

Supervisor Cardinale: "All right. #745, go right ahead."

Sal Mastropolo: "745."

Supervisor Cardinale: "#745, yes."

Sal Mastropolo: "In the second Whereas, strike the word superintendent."

Supervisor Cardinale: "Strike the word super— "

Sal Mastropolo: "Superintendent."

Supervisor Cardinale: "Okay."

(Some inaudible discussion)

Supervisor Cardinale: "Okay, (inaudible) in the heading. Okay. Okay, very good. Thank you. Next one."

Sal Mastropolo: "748, just a question."

Supervisor Cardinale: "Yes?"

Sal Mastropolo: "Is that position in the budget?"

Supervisor Cardinale: "748 is- yes. Well, yes and no. The town personnel officer is one of the functions that Jack Hansen who can ill fulfilled so we're splitting his position to the various positions we're going to need to do the job he did. That's one of them."

Sal Mastropolo: "So the task was there but the money wasn't."

Supervisor Cardinale: "Correct. No, it was there but it was in his salary."

Sal Mastropolo: "Well, you're not going to take it out of his salary."

Supervisor Cardinale: "Well, the truth is that it's going to cost us a lot of money because Jack was like doing four jobs that we now have to split. Didn't know how good he was until he wasn't there."

Sal Mastropolo: "749, just fix the date on the first Whereas, there's a 0 missing in the year."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "750, either change the 90 day to 92 day or change the date because from August 21<sup>st</sup> to November 20<sup>th</sup> is 92 days."

Supervisor Cardinale: "What number is it?"

Sal Mastropolo: "750."

Supervisor Cardinale: "750. Okay, from November 20<sup>th</sup> "

Sal Mastropolo: "If you change it to November 18<sup>th</sup>— November 17<sup>th</sup> I believe."

Supervisor Cardinale: "Okay. Okay."

Sal Mastropolo: "You've got to fix it because there's something wrong."

Supervisor Cardinale: "Okay. We'll use November— if it's 90— if it's intended to be a three month leave of absence, I believe— "

Sal Mastropolo: "Well, the concern is that it says 90 days and there are stipulations in there about 30 days prior to the end date of his leave so it could get confusing as to what's the end date— "

Supervisor Cardinale: "Yeah, all right. Then we have to do it (inaudible) and if you count— 10, 30, 31, and you're going to have to go to— "

Sal Mastropolo: "You have 11 in August, 30 in September, 31 in October and if you leave in on the 20<sup>th</sup> of November you have 20. That brings it to 92."

Supervisor Cardinale: "Okay-- 18<sup>th</sup> not the 17<sup>th</sup>, we'll change it then. Thank you."

Sal Mastropolo: "759."

Supervisor Cardinale: "Yes?"

Sal Mastropolo: "Is that a typo on the first Be it Further Resolved not to exceed \$100? I mean it's a five day trip. It almost begs that there's a typo there but I could be wrong."

Supervisor Cardinale: "Chief Hegermiller, I'm hopeful it isn't because I'd rather pay \$100."

Sal Mastropolo: "At these prices, you can't even drive down there for one hundred bucks."

Supervisor Cardinale: "Hegermiller, is he here? Help us out here. This is 759, authorizes the attendance of one police officer to a Phase III practical training course. It indicates not to exceed one

hundred. Is that correct? I'm happy if it is. Okay, we're getting a hundred. If you need a change, let us know. Sounds right, good. Okay, thanks, go ahead."

Sal Mastropolo: "765."

Supervisor Cardinale: "Yes?"

Sal Mastropolo: "I have a question. Since the contract with Grimes is terminated, okay, and you're going to give out the contract to American Site Restoration to clean up what's there, who's going to do the work after this contract with American Site Restoration is finished once the stuff starts accumulating again?"

Supervisor Cardinale: "We're going to-- this-- we've got three written estimates for the little better than 5,000 yards there which the DEC insists be cleaned up immediately. Thereafter, we'll go out to normal bid and get a person to do it or an entity to do it."

Sal Mastropolo: "766."

Supervisor Cardinale: "Yes?"

Sal Mastropolo: "The second Whereas says that the accounting department has made the determination there's no residual value and the stuff should be discarded. Okay?"

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Does that imply that the stuff is not in use or does it just have no residual value from an accounting point of view?"

Supervisor Cardinale: "I asked that question among others because-- when I spoke with them, that it's broken-- what was the other word they used? It's damaged, broken and not in use. But they don't want to have to store it anymore."

Sal Mastropolo: "Are we going to have a public auction or are we just going to (inaudible)?"

Supervisor Cardinale: "That's what I asked, if it was worth having a public auction because that's really the judgment that they're making here."

They indicated not. I indicated it seemed like a lot of material not to have a public auction on but they assured me it wasn't worth anything because it was broken and damaged or missing. I think this resulted also from the inventory- this resulted incidentally from the inventory of every piece of equipment, furniture, anything that the town has which is the result of the new accounting rules which require the town take physical inventory of everything.

So I asked the same questions you did. They assured me it was broken, damaged, not in use or didn't exist in the first place which begs the question, Sal, I'm sure you're going to ask, well, if it doesn't exist why do we have to discard it? But- "

Sal Mastropolo: "It's missing- some of it is missing inventory."

Supervisor Cardinale: "It will really be missing after we discard it. Yeah."

Sal Mastropolo: "Okay. 768. The last- the Resolve- the last Resolve on the page- "

Supervisor Cardinale: "Yes?"

Sal Mastropolo: "Just change the word by to on on the second line down."

Supervisor Cardinale: "Okay. On property, second line, third- fourth to the last word. Okay."

Sal Mastropolo: "775. In the public notice it says a public hearing will be held on the 19<sup>th</sup> day of September at 7:15 o'clock p.m. at Riverhead town hall. Then at a later one, all of a sudden we're down in Wading River and the Congregational Church. So one or the other? It can't be in both places."

Supervisor Cardinale: "Yeah. This is the Wading River--right, Barbara, the 19<sup>th</sup> of September?"

Barbara Grattan: (Inaudible)

Supervisor Cardinale: "It is the Wading River meeting. Yeah, it is, because Chris told me we're having a hearing that night and, yes, so this has to be changed to- "

Sal Mastropolo: "The 775, change the public notice."

Supervisor Cardinale: "To wherever we're having the meeting. Where's the meeting? At Wading River?"

Sal Mastropolo: "Congregational Church."

Supervisor Cardinale: "Okay, Congregational Church, Wading River."

Sal Mastropolo: "776 as well."

Supervisor Cardinale: "Okay. Thank you."

Sal Mastropolo: "And in 776, the second Whereas, add the word south for Jamesport Historic District. 776. On the second Whereas."

(Some inaudible discussion)

Sal Mastropolo: "The one that I have says 775 is Jamesport and 776 is South Jamesport. Okay. The second Whereas-- "

Supervisor Cardinale: "Okay, which is the official numbers?"

Sal Mastropolo: "Well, the attached map on 776 has the South Jamesport District on it."

Councilwoman Blass: "776 is Jamesport Hamlet, Jamesport Historic District."

Supervisor Cardinale: "But they have the South Jamesport map. Yeah. Okay. And 775 is South Jamesport and should have-- "

(Some inaudible discussion)

Supervisor Cardinale: "Okay. Let's make sure we have that right when we pass it. Okay. Thank you. Just switch the maps, right."

Sal Mastropolo: "But 775 does not have South in any of the Whereas or in the title."

Barbara Grattan: (Inaudible)

(Some inaudible comment)

Sal Mastropolo: "778."

Supervisor Cardinale: "Yes?"

Sal Mastropolo: "The first page of the attachment, I think you have some bad dates in here. The second paragraph down under Section 14-41 legislative findings- "

Supervisor Cardinale: "Yes?"

Sal Mastropolo: "-- third line down says to extend the expiration date of the real estate transfer tax until December 31, 2030 subject to mandatory referendum. I think- I think that should be 2020 because the intent of this is to change it from 2020 to 2030 by public referendum."

Supervisor Cardinale: "Right."

Councilwoman Blass: "They're reciting the history and they went from the very first adoption to the first extension to 2020 and then this one goes from 2020 to 2030. The dates that are wrong here are the proposition dates that are supposed to be on this Election Day, November 6<sup>th</sup> (inaudible)."

Sal Mastropolo: "Well, I'm going to get to that. I have those written down, too. But it says by Chapter 250 of the laws of 2002, the state legislature authorized the towns in the Peconic Bay Region to extend the expiration of the New York State transfer tax until December 31, 2030."

Supervisor Cardinale: "Yeah, that's- "

Councilwoman Blass: "That's (inaudible)."

Sal Mastropolo: "That's what I said. It should be 2020."

Supervisor Cardinale: "Yes, thank you."

Sal Mastropolo: "All right. So then on the next page, you've got two places where it says November 7, 2002. It should be November 7, 2006."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "In the proposition and then the effective



date- "

Sal Mastropolo: "780, there's no attachment."

Supervisor Cardinale: "780- "

Sal Mastropolo: "Yeah, in the third Whereas, it says the attached price. There was no attachment. So you just want to make sure that you have one."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "You're welcome."

Supervisor Cardinale: "Okay, thank you very much. Is there any other comment in regard to these resolutions? If there is we'll take it. Yes, you have a change I know."

Rick Hanley: "I have an addition."

Supervisor Cardinale: "Yes."

Rick Hanley: "On Resolution 786- "

Supervisor Cardinale: "Yes?"

Rick Hanley: "If you look at the first Resolve, it ends with part 6-17 period. The last sentence of the page."

Supervisor Cardinale: "Okay, 786. Which- the first Resolve?"

Rick Hanley: "The first Resolve, last sentence, ends in part 6-17 period."

Supervisor Cardinale: "Yes."

Rick Hanley: "Remove the period if you will."

Supervisor Cardinale: "Right."

Rick Hanley: "And add without significant adverse impacts on either the natural or social environment and that a draft EIS shall not be prepared or need not be prepared."

Supervisor Cardinale: "That the significant adverse impacts on

the social- "

Rick Hanley: "Either the natural or social environment- "

Supervisor Cardinale: "The natural environment- "

Rick Hanley: "And a draft EIS need not be prepared."

Supervisor Cardinale: "How about if we don't believe that?"

Rick Hanley: "You have to trust me, Phil."

Supervisor Cardinale: "You know I'm not going to do that. Yeah, I'm trusting all my experts. I'm in a real trusting mood. Did you ever hear of the landfill?"

Rick Hanley: "It's what Ronald Regan said, trust but verify."

Supervisor Cardinale: "Yeah. Trust but verify. Okay. But we believe it not a significant- "

Rick Hanley: "It is not- "

Supervisor Cardinale: "Okay, fine."

Rick Hanley: "And just for the record, I notice the Scout in the audience from my old Troop 8 from East Northport. And I believe he is diligently pursuing his merit badges at Baiting Hollow camp this summer and he's taking copious notes so I expect an (inaudible) piece in the next News Review."

Supervisor Cardinale: "Yeah. Rick, were you- maybe you can share with us. You were a scout obviously."

Rick Hanley: "Yes, I was."

Supervisor Cardinale: "Were you- did you make it to Eagle Scout?"

Rick Hanley: "I was life."

Supervisor Cardinale: "You were a life- "

Rick Hanley: "Then I discovered girls."

Supervisor Cardinale: "That may explain it all, Rick."

(Some inaudible discussion)

Supervisor Cardinale: "There's another condition which we are going to call 17- just before the final Resolved. Would you- we have it typed out for the clerk and it reads that no certificate of occupancy shall issue prior to the approval by the Planning Director of a site irrigation system design utilizing an irrigation well of 45 gallons per minute or less to provide the exclusive water supply for such irrigation system. Do you have that? There you go. So that's the #17, the words at the end of the first Resolve, first page. Make sure we get it right when we- "

Barbara Grattan: "Okay. What Resolution number, Phil?"

Supervisor Cardinale: "We're on Resolution 786."

Barbara Grattan: "Okay."

Supervisor Cardinale: "The- at the final page of it, add 17 and that's what's in your hand. And then the first page of 786, well, the one that he just gave you. And I should tell the public the Stop N Shop at the corner of Mill and Route 58 which we're approving. But, go ahead, you had a question."

Councilwoman Blass: "Yeah, I apologize because I was not at the work session (inaudible). Do we- does this particular site plan require preservation credits?"

Supervisor Cardinale: "Yes, it does and it should be- "

Councilwoman Blass: "Only upon the- or no C of O shall issue prior to the credits being obtained. So are they going to build this and then you're going to make sure that they have the CO's."

Supervisor Cardinale: "That's a good point, Barbara. Thank you. Shouldn't that read building permit rather than CO? 15, condition 15 we're talking about, Rick."

Rick Hanley: (Inaudible)

Supervisor Cardinale: "We were very careful- I think we've got to be consistent. Remember how careful we were on the- what did we do with the (inaudible)?"

Rick Hanley: "I think it was probably building permit."

Supervisor Cardinale: "I think we-- for everybody's sake, I think it should be building permit. What happens with a guy that built and they can't get a development right purchase?"

Rick Hanley: "Then they can't get a certificate of occupancy which is-- "

Supervisor Cardinale: "But you've got a store that's 66,000 square feet-- "

Rick Hanley: "That's at their peril. I can't imagine they wouldn't secure them, but-- "

Supervisor Cardinale: "Do you have the development rights, Pete?"

Rick Hanley: "I think the attorney for the applicant is here."

Supervisor Cardinale: "Well, I'd like to hear from him but I know what my preference is. Pete, do you want to comment on this?"

Peter Danowski: "Yes. We've been in negotiation to buy the rights. The real problem is always the same. We have this (inaudible) situation when you're buying them when the farmer wants his money and the developer wants the building permit and what do you hand in first?

And so it becomes a contractual issue between the developer and the farmer and it causes difficulty. When the developer knows he's got a building permit, then he's willing to pay the money. And that's why the word building permit would be preferred.

Obviously no one is going to spend a great deal of money to find out he can't get a CO."

Supervisor Cardinale: "Well, what you've said, you misstated. You don't mean a building permit would be preferred, you mean a CO would be preferred. Right? You would prefer it to say-- "

Peter Danowski: "Right. What I'm saying it's preferred to have the building permit in hand so we could go to a closing with a farmer. The farmer doesn't want to wait forever and so the negotiations are at

a stalemate in most of these instances and so I'm just suggesting that the preferred method of doing this is to allow us the building permit and you've got the hammer over us with the word CO, we can't occupy the building."

Supervisor Cardinale: "Yeah, I understand. On the other hand, there- we haven't done too many of these so I'm not adverse to considering the language but it won't be CO. It would have to be (inaudible)."

Peter Danowski: "Well, maybe what I might suggest is not the word closing. Maybe you could say it's subject to a contract for the purchase of, but I can't proceed to closing, that's the problem."

Supervisor Cardinale: "You really- you've got a site plan here. You're really worried about a building permit."

Peter Danowski: "I think you would be, too. I think anyone that's counseling someone on the purchase (inaudible) would say, look, it's nice that I have a site plan but I need to vest my rights, I need to pull a building permit, I need my health department, I need anything else after the site plan process and I don't want to close and (inaudible)."

Supervisor Cardinale: "Well, you don't have to buy those development rights for this site. You'd always have the development rights so it wouldn't be- "

Peter Danowski: "I think the theory in the town is you do. I think you want to identify at some point in the future you know where they're going to land and I think--"

Supervisor Cardinale: "Oh yeah. But they're still development rights."

Peter Danowski: "I think there's some issue with that. I'm more than happy to take your position on that, but I'm not sure everyone's in agreement. I would just ask you to leave it either that we produce a contract for the purchase of development rights at the building permit stage but allow us to close after that and not issue the CO until we actually close and give you a certificate. That would make sense. It's a smooth method (inaudible)."

Supervisor Cardinale: "Okay, fine, thank you."

Peter Danowski: "Thank you."

Supervisor Cardinale: "Okay. Why don't we try this for the purposes of this one and then (inaudible)."

Rick Hanley: "Mr. Supervisor, just for the record- "

Supervisor Cardinale: "Yes."

Rick Hanley: "This is the first (inaudible) of a commercial development- "

Supervisor Cardinale: "Right, I realize that."

Rick Hanley: "Up to point, it's all residential, condominiums."

Supervisor Cardinale: "So how about no building permit shall issue prior to production of a contract for purchase and redemption of those rights. Okay? That should solve everybody's problem. Okay, with those changes, that should cover that particular one. Is there any other changes that anyone wishes to bring to our attention? Is there any other comment that anyone wishes to make on any of the 48 resolutions?

If there is not, we will- yeah, Chief, it was a hundred. Okay, thank you. That's a bargain because we're losing their \$500 a day presence but \$100 is a bargain. Any other questions or comments on anything you need to tell us about?"

Rick Hanley: "Just one more."

Supervisor Cardinale: "Yes?"

Rick Hanley: "On the transfer of my employee. I think the resolution calls out tomorrow, have we made that change?"

Supervisor Cardinale: "Okay. Thank you. Okay, with that, if there's no further comment on the resolutions, we'll consider the resolutions and then we'll take general comment and then also inclusive of anything the Eagle Scouts would like to tell us. Unless you'd like to tell us anything right now, we could all go home early. Which is something I always aspire to. If there's anything you'd like to say, otherwise you can have the floor now or right after we conclude the resolutions. Because we know these people like to- these are youngsters and need their rest."

Okay. But in any event, I thank you for being here. If you think of anything you'd like to have them or yourself say, we'll take it right after we consider the resolutions and we'll go through this at a quick pace. So can we start them off, please, Barbara?"

Resolution #744

Councilman Densieski: "Authorizes the release of security for Crown Recycling. So moved."

Councilwoman Blass: "Mr. Supervisor-- "

Supervisor Cardinale: "Yes?"

Councilwoman Blass: (Inaudible) "I was hoping we could table this resolution."

Supervisor Cardinale: "Right. Would you-- yeah, Barbara was not at the meeting. She had some points she wanted to make. Go right ahead."

Councilwoman Blass: "Only that apparently there are some conditions (inaudible)."

Supervisor Cardinale: "Moved and seconded to table for consideration of conditions being fulfilled. May we have a vote on the motion to table?"

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is tabled."

Resolution #745

Councilwoman Blass: "Creates a position in the Planning Department and transfers employee to said position (inaudible). So moved."

Councilman Dunleavy: "I second that with amendment."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #746

Councilman Dunleavy: "Ratifies the creation of a position in the Highway Department and transfers an employee to that position. So moved."

Councilman Bartunek: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #747

Councilman Bartunek: "Authorization to publish and post help wanted ad for the position of Maintenance Mechanic II. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #748

Councilman Densieski: "Publication of help wanted advertisement for town personnel officer. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "One suggestion. Maybe we should amend this resolution to include (inaudible)."

Supervisor Cardinale: "Yes, I think that's a good idea."

Barbara Grattan: "So you want to add Newsday?"

Supervisor Cardinale: "Yes, please."



(Some inaudible discussion)

The Vote (Cont'd.): "Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #749

Councilwoman Blass: "This amends Resolution 723. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #750

Councilman Dunleavy: "Approves request for leave of absence. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded as amended. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #751

Councilman Bartunek: "Appoints traffic control officers to the police department. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #752

Councilman Densieski: "Appoints custodial worker I in the Engineering Department. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #753

Councilwoman Blass: "Appoints a beach attendant/concession stand operator Level II to the Riverhead Recreation Department. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #754, Resolution #755, Resolution #756, Resolution #757, Resolution #758

Councilman Dunleavy: "Appoints a beach attendant/concession stand operator Level II to the Riverhead Recreation Department. So moved."

Councilman Bartunek: "And seconded. Could I make a suggestion that we move to Resolution 758 all together, all Recreation Department appointments?"

Supervisor Cardinale: "Okay, 754 through 758 has been moved. You want to re-vote that, please?"

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolutions are adopted."

Resolution #759

Councilman Bartunek: "Authorize attendance of one police officer to the Phase III Practical Training Course. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #760

Councilman Densieski: "Authorizes attendance of Assessor at seminar. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #761

Councilwoman Blass: "Adopts a local law amending Chapter 52 entitled Building Construction of the Riverhead town code, 52-18 Penalties for Offenses. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #762

Councilman Dunleavy: "Adopts a local law amending Chapter 108 entitled Zoning of the Riverhead town code, 108-78. So moved."

Councilman Bartunek: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #763

Councilman Bartunek: "Adopts a local law to amend Chapter 101 entitled Vehicles and Traffic of the Riverhead town code, 101-10 Parking Prohibited. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #764

Councilman Densieski: "Adopts a local law amending Chapter 108 entitled Zoning of the Riverhead town code, Recreation Fees. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #765

Councilwoman Blass: "Authorizes American Site Restoration, Inc. to perform emergency work at the town yard waste facility. So moved."

(Some inaudible remarks)

Councilman Dunleavy: "And seconded as amended."

Councilwoman Blass: "Again, I apologize, I was not at the work session, I was away on vacation. But I just wanted to verify a couple of things. The material after it's process will be owned by the town?"

Supervisor Cardinale: "Yeah. That's the low bid right there."

Councilwoman Blass: "And this is only for the material that's accumulated (inaudible)."

(Inaudible comment)

Councilwoman Blass: "And so as we continue to accept yard waste (inaudible)."

Supervisor Cardinale: "Well, you're going to start tomorrow,

aren't you? Tonight?"

(Inaudible comment)

Supervisor Cardinale: "Fine. We understand that you- it's for a designated amount of material that you've been shown- now, okay."

(Inaudible comment)

Supervisor Cardinale: "How many- what do you consider the amount to be?"

(Inaudible comment)

Supervisor Cardinale: "I want- do we have anybody here who's from engineering? Because I think it's more than that and I want to make sure that we're bidding on the same material. I thought- yeah, I know it's impossible to really tell because it's a massive of yard waste and it's very difficult to ascertain the exact (inaudible). Right, (inaudible).

But you're comfortable that it is what you and Kenny went through, that's what we're bidding here. Okay."

(Inaudible comment)

Supervisor Cardinale: "Okay. Good. Any other questions? Moved and second, please."

Councilman Dunleavy: "Second."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski; yes; Cardinale, yes. The resolution is adopted."

Resolution #766

Councilman Dunleavy: "Authorize to discard fixed assets. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted.."

Resolution #767

Councilman Bartunek: "Promotes Police Officer Patrick Waski and Police Officer David Freeborn to the position of Detective Grade III. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #768

Councilman Densieski "Approves the Chapter 90 application of Martha Clara Vineyards, Inc. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #769

Councilwoman Blass: "Approves the application for fireworks permit of All County Amusements August 16, 2006. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #770

Councilman Dunleavy: "Approves the application for fireworks permit for All County Amusements August 19, 2006. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #771

Councilman Bartunek: "Approves the application for fireworks permit of Timothy Hill Children's Ranch. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #772

Councilman Densieski: "Approves Terry Contracting & Materials, Inc. as drainlayer for the Riverhead Sewer District. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #773

Councilwoman Blass: "Authorizes the town attorney to order an appraisal for property located on West Main Street in connection with the acquisition of said parcel. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: (Inaudible)

Supervisor Cardinale: "Okay, did you hear that?"

Barbara Grattan: "Abstain?"

Councilman Bartunek: "Abstain."

Barbara Grattan: "Okay, sorry."

The Vote (Cont'd.): "Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #774

Councilman Dunleavy: "Authorizes the designation of certain structures/cemeteries as landmarks pursuant to Chapter 73 entitled Landmarks Preservation of the Riverhead town code. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass; yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #775

Councilwoman Blass: "Authorizes the town clerk to publish and post notice of public hearing to consider the creation of a South Jamesport Historic District. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #776

Councilwoman Blass: "Authorizes the town clerk to publish and post notice of public hearing to consider the creation of a Jamesport Hamlet District. So moved."

Councilman Densieski: "Second the motion."



Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #777

Councilwoman Blass: "Authorizes the town clerk to publish and post public notice of public hearing to consider a proposed local law for an amendment to Chapter 101 Vehicles and Traffic of the Riverhead town code, 101-10 Parking Prohibited. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #778

Councilman Dunleavy: "Authorizes town clerk to post and publish public notice for a public hearing regarding a local law to amend Chapter 14 Community Preservation Fund of the Riverhead town code. So moved."

Councilman Bartunek: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass."

Councilwoman Blass: "Just a quick amendment."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "We should also send a copy of this to (inaudible) and he co-sponsored that resolution."

Supervisor Cardinale: "Would you make that note, please, Barbara? (Inaudible) should get a copy."

Councilwoman Blass: "And the Nature Conservancy has designated (inaudible)."

Supervisor Cardinale: "Those two copies. Thank you."

The Vote (Cont'd.): "Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #779

Councilman Bartunek: "Rejects bid for sewer district generator removal and repost and republish notice to bidders. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #780

Councilman Densieski: "Extends bid contract for police uniforms. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #781

Councilwoman Blass: "Awards bid for electric motor emergency repair/replacement for the Riverhead Water District. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #782

Councilman Dunleavy: "Awards bid for annual construction contract. So moved."

Councilman Bartunek: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #783

Councilman Bartunek: "Riverhead Scavenger Waste district rate adjustment for tipping fees at Scavenger Waste Plant. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #784

Councilman Densieski: "Approves plan of Charles Brown for agricultural worker housing permit to be issued pursuant to Section 108-64.4 of the Riverhead zoning ordinance. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #785

Councilwoman Blass: "Approves the site plan of NF Management Peconic Avenue."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski."

Councilman Densieski: "Yeah, I just want to make a quick

comment. (Inaudible) has been working for (inaudible) and it's really a beautiful project. It faces the river. It's what we've all been wanting downtown and I want to thank him for hanging in there and I wish him all the best of luck with this project.

And with that said, I'm going to vote yes."

The Vote (Cont'd.): "Cardinale."

Supervisor Cardinale: "Yes. I'd like to agree completely with what Ed just said and between this project and the Culinary Arts project and I hope the theater project going forth, we'll have some beginnings, concrete beginnings. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #786

Councilman Dunleavy: "Approves site plan of Richmond Riverhead Realty LLC as amended in three areas. So moved."

Councilman Bartunek: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #787

Councilman Bartunek: "Grants special use permit of Broadriver LLC (Pamela Heogrefe). So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #788

Councilman Densieski: "Classifies action on special permit of James Blakeley. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #789

Councilwoman Blass: "Ratifies publication of notice. So moved."

Councilman Dunleavy: "And seconded."

Councilman Densieski: "Discussion."

Supervisor Cardinale: "Yes."

Councilman Densieski: "Phil, I'm just curious why (inaudible)."

Supervisor Cardinale: "We certainly hope not. The objective-- there's a couple reasons for that. John had inquired, too. One is that the copy of the (inaudible) of the vast volume of material that anyone would need to look at to intelligently respond would cost the town around-- almost \$500 to copy. And the other was that-- (inaudible) question you did, and they said well, they also wanted to make certain that it wasn't mere curiosity but that people were serious when they picked it up. So that's why they-- the staff actually, that came up with that thousand."

We are told that there are six-- I can tell you this. We made six copies at a cost of nearly \$3,000. Today I was asked to do five more because it looks like we are going to have at least that much interest. Yeah, but I appreciate the question and I understand it because I asked it as well."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale."

Supervisor Cardinale: "Yes. And hopefully this will be another concrete beginning. It is the first concrete move we've made although we've been doing a lot of talking and thinking about the landfill situation and the (inaudible). So hopefully this will be part of that (inaudible)."

I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #790

Councilman Dunleavy: "Authorize town clerk to publish and post public notice to consider a local law Chapter 108 entitled Zoning of the Riverhead town code, Planned Recreation Park PRP District.

I just want to make one comment on this. This is ahead of what we're going to do and what they think they want to do out in Grumman but I think we have to pass these because if we don't, it takes a while to get going. So this is just authorizing a hearing on this. So moved."

Councilman Bartunek: "Seconded."

Supervisor Cardinale: "Moved and seconded for a hearing. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski."

Councilman Densieski: "This is only for a public hearing but it's something I'm so vehemently opposed to that I can't even support a public hearing. This is going to-- this is the beginning, one of the first steps to allow 500- or nearly 500 homes to be built at EPCAL on the Recreational zoning. I will never be for that and I don't think the people of Riverhead are for it.

We were given the property for regional economic development and I don't believe housing equates to regional economic development. I think we can do better so I'm going to be forced to vote no."

The Vote (Cont'd.): "Cardinale."

Supervisor Cardinale: "I certainly would vote yes for a public hearing and I'm sure we'll get a lot of discussion which is healthy. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #791

Barbara Grattan: "Resolution 791 is to pay bills. Councilman Bartunek."

Councilman Bartunek: "So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Councilman Densieski: "Mr. Supervisor, I have two resolutions I'd like to bring off the floor, please."

Supervisor Cardinale: "Yes. I- before I do that, though, Eddie was just saying that he had a couple resolutions he would like to offer for consideration. Go ahead, Ed."

Councilman Densieski: "I'll pass them down and I also have some copies for the public if anybody wants them. I'll read it and offer it. Do you want to take a minute to read it, Mr. Supervisor?"

Supervisor Cardinale: "Yeah. I- that's- is it two or just one?"

Councilman Densieski: "Two."

Supervisor Cardinale: "Okay. I would suggest that maybe we should bring them up in work session first."

Councilman Densieski: "I'm making a motion to move them tonight. I'd like to have a vote either way."

Supervisor Cardinale: "Okay. Okay, on this discussion, actually the motion is to direct the town attorney's office to examine and analyze the master development designation agreement between the town of Riverhead and Riverhead Renaissance LLC.

And it indicates Whereas, the master development designation agreement approved July 18<sup>th</sup> by the board was created by outside counsel, which, because we designated by earlier agreement outside counsel handle that matter

Whereas, said agreement was not reviewed by the office of town attorney- that was actually incorrect, Ed. I had asked Dawn to take a look at it. She had seen a copy of the agreement as proposed and as executed. We are awaiting at this moment the check that should accompany it and a fully executed copy. She has seen it. We have discussed it.

Whereas, it is beneficial that the town have a system of checks and balances which is of course true, outside counsel is always supervised by the town attorney or at least overseen by them. The town board wishes to review the agreement and any amendments made.

Now, therefore, be it resolved, that the town attorney's office review that agreement and report back in writing within one week.

The town attorney has seen it. I- the town board has approved its execution. It has been executed. We're awaiting a signed copy. It is- so I believe that everything you're saying in here, for example, that it has not been seen by her is incorrect. And besides which I would suggest that all these should be shown at the work session for discussion rather than presented at a town board meeting."

Councilman Densieski: "Phil, you used to do that all the time. I'm not having a lot of luck bringing things up at the work session."

Supervisor Cardinale: "Well, you didn't try so that would be an explanation."

Councilman Densieski: "I'll try with the next one. But this one here is very minor. I would like the town attorney to review this document and give to me in writing her thoughts on it so the town board knows what they're voting on. Mr. Kent brought up the other day that he's working on amendments to that. I don't know if the other town board members have seen amendments, I have not. And if they're just typos like you said in work session, then so be it. But I want the town attorney to review this document."

Supervisor Cardinale: "The town board already authorized this execution."

Councilman Densieski: "I know that."

Supervisor Cardinale: "And substantially the form as was attached. And that's exactly the way it was signed. But it's much ado about nothing which is of course what you are becoming more famous



for every day.

I have no objection to the town attorney giving you at your request a review of the document and her comments on it. Dawn, would you do that, please? I have no objection to- "

Councilman Densieski: "I'm going to move my resolution. If it fails, then I'll accept that.

Directs town attorney's office- "

Supervisor Cardinale: "Well, you're not going- you're going to move it but somebody's got to second it, Ed."

Councilman Densieski: "I have the right to move it and I'd like to move it."

Supervisor Cardinale: "Okay, go ahead and move it, please."

Councilman Densieski: "Directs town attorney's office to examine and analyze the master development designation agreement between the town of Riverhead and Riverhead Renaissance LLC. So moved."

Supervisor Cardinale: "So moved. Is there a second?"

Councilman Dunleavy: "I'm going to-- I can't see anything with her reading it and giving us a report on it. And it's only going to take one week so I will second it."

Supervisor Cardinale: "Okay. Moved and seconded for a vote for the board to correct- I must indicate to you that this agreement is fully executed pursuant to the order of the board in July. We haven't received a fully executed copy back but we expect to with a check and it is also conditional upon numerous other things such as a- it has no effect unless the land disposition agreement is signed. It has no effect unless the hearing which they are determined qualified and eligible under takes place and they are successfully qualified and eligible.

I do think it's much ado about nothing but there's two votes to at least vote and- yes."

Councilwoman Blass: "I just wondered, Dawn, are you in the position to (inaudible)?"

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Dawn, I'd like you to confirm that you have the document and you have reviewed it."

Dawn Thomas: "I have the document, yes, and I've reviewed it. I would like to make--"

Supervisor Cardinale: "In fact, I think you talked to the press about it."

Dawn Thomas: "No."

Supervisor Cardinale: "They did not call today?"

Dawn Thomas: "No."

Supervisor Cardinale: "Okay."

Dawn Thomas: "No."

Supervisor Cardinale: "And is it not unusual for that-- we have outside counsel in a number of instances for various matters before the town and do you review everything that they prepare?"

Dawn Thomas: "No, not necessarily."

Supervisor Cardinale: "So, I think this is unusual and I think it's unnecessary because you already have the agreement and have considered it. I'd like to-- I'd like your thoughts on it. I'd like anybody's thoughts on it. On the other hand, I think it is unusual that we're now going to burden the town attorney with the work that we give to outside people."

Councilman Dunleavy: "It is unusual but I support the document. I was there at negotiations."

Supervisor Cardinale: "I know you were."

Councilman Dunleavy: "I think the document will stand by itself on its own leg, so I, you know, I would-- anybody wants to review it, I'm willing to let them review it."

Supervisor Cardinale: "I can't-- actually I don't disagree with you. I just believe it's already been reviewed. We have an offer,

let's just vote on it. I think enough has been said and it's been reviewed and we'll get a report."

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "Dawn?"

Dawn Thomas: "Yes."

Councilman Bartunek: "You're assured (inaudible)."

Dawn Thomas: "We're busy, but we get the work done that you ask us to get done. Whatever you want us to do, we'll do."

Councilman Dunleavy: "George, I think she said that she did review it (inaudible)."

Councilman Bartunek: (Inaudible)

Barbara Grattan: "Is that a yes?"

Councilman Bartunek: "That's a yes vote."

The Vote (Cont'd.): "Blass, yes; Densieski."

Councilman Densieski: "Yes. I hope it's everything the Supervisor says it is and if it is, then we can proceed forward. But I want to proceed forward with caution and I appreciate the board members supporting the measure and I'll vote yes."

The Vote (Cont'd.): "Cardinale."

Supervisor Cardinale: "Yeah. I certainly agree with the resolution. In view of the fact that I've already asked her to review it and she's also giving her opinion on various things. I have no objection to her reviewing it. I vote yes."

There is a better route to do this simply by asking the town attorney for an opinion on the document which would have been a quicker route.

I also think that although I will vote yes that it seems kind of wasteful to me to have outside counsel assigned to something and then to burden the town attorney with it as well. But I vote yes that she deliver a written comment on the agreement."

Barbara Grattan: "The resolution is adopted."

Councilman Densieski: "I have one more resolution.  
(Inaudible). I'll make it quick."

This establishes— and this did get discussed at work session. Some of the people weren't happy with the language, so I've changed it. This establishes a town-wide let the people be heard public referendum on residential housing at EPCAL.

I won't burden you with the language of the resolution but I will read the statement that I would like to see on a public referendum this November.

Should the town of Riverhead expend not more than \$5,000 to prepare a draft amendment to the town of Riverhead zoning code and conduct related state environmental review SEQRA to eliminate the residential housing as a use at the former Grumman aerospace facility, now known as Enterprise Park at Calverton EPCAL.

Basically what this is going to do is let you, the residents and taxpayers of Riverhead, determine whether the town board is doing the right thing by building 500 homes or any homes at EPCAL.

And I'd like to see this on the November ballot and hope the board agreed with me. So, so moved."

Supervisor Cardinale: "Is there a second?"

Councilman Dunleavy: "Can I say something?"

Supervisor Cardinale: "Sure."

Councilman Dunleavy: "I just think that this is— I have to look this resolution over and study it before I can make any recommendations about it. But this will eliminate all housing. Now I think the NASCAR proposal that the town received included houses with that also. So I mean any proposal we're getting there includes houses. So I think, do you want to go to the extreme? I think I have to research this more."

Councilman Densieski: "Well, we have a time line. We have to have a referendum to the county, I believe it's by September 6<sup>th</sup>. And if the board wants to wait, fine, but if we do this between now and November, no deals will be impacted. No development plans will be

stalled. It's a couple short months and then we'll know what you think. We'll know what you want at EPCAL if you go through with this."

Councilwoman Blass: "I have a question. I'm sorry, I was not at work session. Again, I was away on vacation.

But I would wonder why we would need to prepare a SEQRA review eliminating housing. I would think that eliminating housing-- I mean I know any amendment to the text is subject to SEQRA, but why would we spend \$5,000 to prepare an amendment to the zoning code (inaudible). That seems like an awful lot of money to (inaudible)."

Councilman Densieski: "It says not more than. And you cannot have an advisory referendum. It has to be tied to an expenditure tax dollars-- "

Councilwoman Blass: "Who are we paying money to?"

Councilman Densieski: "Anybody you want."

Councilwoman Blass: "But to remove the words residential housing as an accessory use."

Councilman Densieski: "No, not as an accessory. As a use."

Councilwoman Blass: "Well-- "

Councilman Densieski: (Inaudible)

Councilman Dunleavy: "It's an accessory use now."

Councilman Densieski: "I don't want four or 500 homes accessory."

Councilwoman Blass: "No. But the code doesn't show it as a permitted use. That's all I'm saying. I'm wondering-- and actually we're having a public hearing on amending the code. I would think if people were not interested in having the residential component even changed the way we're suggesting as a result of tonight's resolution, they would come out and (inaudible)."

Councilman Densieski: "If the Councilwoman is suggesting a public hearing, I'm all for that. That's fine. That will be the same night as the CPF hearing? If you're suggesting that, I'll go along

with it."

Councilwoman Blass: "Well, we have a public hearing- "

Supervisor Cardinale: "We just voted for a public hearing."

Councilwoman Blass: "We just voted for a public hearing that talks about- "

Supervisor Cardinale: "Which I find very interesting that you're not voting for a public hearing to discuss the amendment and at the same time you're- "

Councilman Densieski: (Inaudible)

Supervisor Cardinale: "The point is that that is pretty narrowminded. You're not voting for a public hearing to let the public discuss the proposed amendment but you're insisting upon a referendum for this language that is very unclear."

Councilman Densieski: "I believe it's narrowminded not to let the people have a say in the (inaudible)."

Supervisor Cardinale: "I believe that they will and that is why we have public hearings, probably more in this administration than any other before. I would- we do not have a second for this. I think it does deserve and require further consideration at work session. My door is always open and if you'd like to talk about this, I'd be glad to talk to you about it. But until we have a second, we can't vote on it and I don't hear a second. So thank you."

If there is- that concludes the resolutions. Now, Chris, I know you have the group here and I would like you to comment generally on anything you'd like as we move into this section of the meeting."

Chris Phelps: "Well in order for a Boy Scout to become an Eagle, there's 21 merit badges they have to get. Twelve are actually required; two out of the 12 are required for their attendance at a meeting where they can see government work. So this was an awesome opportunity for all of them. So on behalf of all of them, I just want to say thank you for allowing us to see you guys in action."

Supervisor Cardinale: "We appreciate your being here. I know you've made it a tradition. And we wish you all a lot of luck on your Eagle Scout ambition. You can see by- say hello to Rick on the way

out. You can see what happens if you don't get to be an Eagle Scout."

(At this time, the CD ended)

Supervisor Cardinale: "We'd be pleased to take it and I'm told that the CD is now recording so, Nick, and Ed, Phil. I should say Phil, not Nick."

Phil Barbato: "I just had a couple of- I noticed the other day because (inaudible), the building department- that a building permit has been issued for the demolition and construction of the Jamesport Manor Inn. And I just had a procedural question. I don't understand this. With a piece of commercial property, would a site plan be necessary before the building permit could be issued?"

Supervisor Cardinale: "Yes. Why not?"

Dawn Thomas: "If it was destroyed by fire and you build it in exactly the same (inaudible)."

Supervisor Cardinale: "Well, that may be true- I- first of all, let me just clarify what happened. A demolition permit I would imagine would be appropriate and was received. Are you saying that a building permit was issued there?"

Phil Barbato: "It was both. It was for demolition and reconstruction."

Supervisor Cardinale: "Well, I don't get it though. I mean, why would you reconstruct it exactly as it existed if you are thinking about submitting a plan, Dawn, that I heard, and you heard too, which would enhance the size of it?"

Dawn Thomas: "Yeah, I don't know. I'm guessing (inaudible)."

Supervisor Cardinale: "Leroy- okay, could you come up? I just want to clarify this for both Mr. Barbato and the public and the board."

Leroy Barnes: "-- a permit to reconstruct the structure with the same footprint. He also had a special permit to expand on the property other buildings but he's applied for a special permit I believe and then he would subsequently get a site plan for that. He technically has an as of right to rebuild the building as it was in the same footprint under the act of God clause under 108-51."

Supervisor Cardinale: "Okay. I understand I believe that but let me see if I got straight what you gave him. You gave him a demolition permit which is obviously a good thing and then you gave him a permit to rebuild the same building on the same spot which is fine. However, and that you do not need site plan because it would be reconstructing in the same fashion exactly and on the same site. You have plans that you have- he actually has plans to rebuild it exactly in the same manner or is it a different building?"

Leroy Barnes: "Yes. It's the same building."

Supervisor Cardinale: "Okay. And that's what you approved."

Leroy Barnes: "That's what we approved."

Supervisor Cardinale: "And that requires no site plan because it's under the section you mentioned."

Leroy Barnes: "Yes."

Supervisor Cardinale: "That was in January."

Leroy Barnes: "Yes."

Supervisor Cardinale: "Okay. Thank you. So that is an exception to the requirement of the site plan. Anything else on the site would require it."

Phil Barbato: "The only question I had on that was why build a restaurant only when testimony from the applicant and several of the people in the hearing that (inaudible)."

Supervisor Cardinale: "My guess as an attorney is that I would probably pull the permit to protect my rights, to have at least that structure back at that spot regardless of what this board decides in regard to the other (inaudible)."

Phil Barbato: "And then just a note that the plans have been amended. Less than a week after the July 5<sup>th</sup> hearing in which the applicant said here in town hall and said he had no intentions of holding meetings there, the second floor plan was amended to double the size of the meeting hall."

Supervisor Cardinale: "In the largest- in the building that is being- "



Phil Barbato: "In the restaurant."

Supervisor Cardinale: "In the restaurant."

Phil Barbato: "So it went from 300 square feet approximately to 800 square feet."

Supervisor Cardinale: "I would assume that you're aware that we are awaiting and, Dawn, correct me if I am wrong, we have been asked by the applicant not to make a decision basically on the matter before us because he may be proceeding with a modification of the application. Is that still the case?"

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Yeah, that's correct. But we haven't seen it. As soon as we have it, it will be on file with the Clerk. Thank you. Yes, Chris. That's right. We see you frequently but not every meeting."

Ed Purcell: "Well, especially when you have it at 2:00 in the afternoon."

Supervisor Cardinale: "Yeah. I can appreciate that."

Ed Purcell: "I have a couple of questions. Well, one thing you- it's got to be a month ago, maybe longer, you said you would contact whoever owns that property on East Main Street next to TJ Transmissions. You know I just wondered what was going on there."

Let's see, also, the red bricks that you put in on the corner of 2<sup>nd</sup> and Roanoke that go across the street, part of them are collapsing in. There's a hole- it sunk in. I don't know why you just didn't use cement and color it red. It would have been cheaper. It probably would have lasted longer. Well, I mean in the future. A lot of towns up west they use- they change the color of the cement and put that in place of whether it's cobblestones or it's red brick, they use a form that they place down on the cement and it looks like red brick and it looks like cobblestones, but you don't have the problem where I think I read in the paper that they're popping up in the parking lot."

Supervisor Cardinale: "Yeah. We have a similar problem there."

Ed Purcell: "That never happens if you make it out of- "

Supervisor Cardinale: "(inaudible), is that what it's called?"

Ed Purcell: "Yeah, I think so. I'm not sure what it's called but I ride the highway all the time and that's what they do in the center."

Supervisor Cardinale: "Yeah. We will- as you know, we rely upon our engineers- "

Ed Purcell: "I know."

Supervisor Cardinale: "-- to- as regards to the material and their appropriate application and as you know, they're not always right."

Ed Purcell: "Yeah. That's still a mess. Are there any- you may have mentioned this. Is there anything new with the project on the south of- by the railroad station? Because you had said it would be something like a month or two months- I may have missed it."

Supervisor Cardinale: "You're talking about the one on Railroad Avenue?"

Ed Purcell: "Yes."

Supervisor Cardinale: "There is one where Dawn is in fact negotiating that. We are using inside counsel. Dawn, why don't you give him a status?"

Ed Purcell: "Yeah, because I don't know what- sometimes the paper isn't quite right."

Dawn Thomas: "I'm awaiting comments on a draft project from the applicant's attorney."

Ed Purcell: "Okay. And the reason why I say that sometimes it isn't correct or it's maybe not wrong, but it's not very clear. The parking lot behind downtown that I'm such a bugaboo on and selling that to Apollo, how many apartments are they now proposing to put there? Fifty or a hundred? I see both things in the newspaper- "

Supervisor Cardinale: "Fifty."

Ed Purcell: "Fifty."

Supervisor Cardinale: "That is confusing, you're right.  
Fifty- "

Ed Purcell: "You know- "

Supervisor Cardinale: "The 50 apartments on the south side over the retail and the restaurants. On the north side there's going to be the (inaudible), then above that the theater and then above that, they at one point were discussing 100 apartments. They have since gone to 100 hotel rooms."

Ed Purcell: "Yeah. I'd rather see the hotel rooms, even on the south. Because I think we need- I have people that come in, I belong to a fraternal organization, and we're always looking for rooms and like everything is booked up unless you want to go to Wading River and pay \$200 a night. That's that."

Also, in the proposal in Calverton on the racetrack that's been submitted- it's been submitted to you?"

Supervisor Cardinale: "As indicated in the paper, it was- there was a proposal, a concept plan, without acreage or price."

Ed Purcell: "Well, the idea is something that- "

Supervisor Cardinale: "An inquiry was made, yes."

Ed Purcell: "Right. I know something that probably they didn't include but there are racetracks around the country that they include a drive in as part of it where they use the same parking lot that they would use for the racing people, and they just add a projector room and a screen and it has a dual use, they make money out of it, and then they wouldn't have necessarily have to use more than one night a week as racing to, you know, make enough money to pay it off. And it would be unique on Long Island. And I know they do it around the country."

Supervisor Cardinale: "A drive in- "

Ed Purcell: "A drive in along with a racetrack."

Supervisor Cardinale: "So they're getting full use of the parking lot."

Ed Purcell: "Full use of the parking lot and it would be

another reason to come to the area.

Let's see. Also, you have a rough idea- oh, it says 80,000 square feet, I think that's proposed that you want to sell to Apollo. I know there's going to be a public hearing on it. Could you send out or put out a map well, well in advance so at least the public knows?"

Supervisor Cardinale: "Yes. We can and it is- you got it right. It's 40,000 behind the Woolworth area and 40,000 at the riverfront- "

Ed Purcell: "Well, that's why I said- "

Supervisor Cardinale: "That's a total of 80. And there will be a hearing incidentally on August 29<sup>th</sup> at 6:00 p.m., an additional hearing not required but I think the BID and the parking district would like to explore issues that are being discussed now on the land disposition."

Ed Purcell: "Yeah."

Supervisor Cardinale: "That's on the 29<sup>th</sup> at 6:00 p.m. in the town hall. And then there will be a hearing I believe on September 19<sup>th</sup> or the first week in October, the first meeting, which will discuss whether or not Apollo is in fact qualified and eligible to be a sponsor."

Ed Purcell: "Well, I'm sure they have enough money. That's not- "

Supervisor Cardinale: "Right. Money and experience (inaudible)."

Ed Purcell: "Experience they have but from what I read in the paper, sometimes if a deal isn't quite what- guaranteed to make the money, they back out.

Just what I said in the paper, I don't know."

Supervisor Cardinale: "Yeah."

Ed Purcell: "Also, do you have any idea what the additional after selling the property to them costs to the parking district would be to build that parking garage because I think it said in the paper, there's only \$17 million dollars worth of property or something like

that and the building might cost that much."

Supervisor Cardinale: "They're working numbers to see how close- they can get some numbers by the time (inaudible). Well, Apollo doesn't know either but they're working the numbers to see, you know, what's the amount of the parking going to cost and what's the parking district's present ability to absorb and how much will it increase. But it is one of those key issues that could scuttle the deal unless we can come to a resolution.

The parking district is as you know not that large an area."

Ed Purcell: "Also, there are- "

Supervisor Cardinale: "Not that much assessed value."

Ed Purcell: "- it's kind of gerrymandered and it was when it was first set up so that there are properties on Second Street at least from the copy I received of what the parking district is, that abut right up to that property but they're not in the parking district. So they would get use of the garage and they can use the parking district. All they have to do is put a door in their fence- put a gate in their fence and they can use it.

Oh, are there any new businesses proposed for all those empty buildings on the south side of Main Street? Because actually I'd rather see you even though I'm against eminent domain, I would rather see you use eminent domain and take those buildings and let Apollo use them instead of the parking lot. That's my opinion because I see that Ben Franklin is closing up.

So now it's- we have almost nothing on Main Street and once those buildings are built behind the parking lot, then the owners of the buildings on Main Street will feel that their buildings are worth even more so they will raise the rent more and it would be less likely that we could afford to use eminent domain to take those buildings. So personally even though I'm against eminent domain, those buildings have been empty since Swezey and if it wasn't for Swezey, it would have been empty even longer (inaudible).

So from the beginning I think that would be a better deal. Thank you."

Supervisor Cardinale: "Thank you, Ed. If there is any other comment, we'd be pleased to take it. Yes, sir. Please."

Mr. Pensis: "My name is (inaudible) Pensis and I have a couple of questions about the (inaudible) violation. Mr. Shields (phonetic) is my neighbor. I called the town this morning because I saw that the Shields violation was discussed in a closed session of the town hall-of the town board meeting.

Basically the town code, I would like to bring up a couple of points. The town code states that- gives a definition of a coastal high hazard area as an area of special flood hazard extending from off shore to the inland limit of a primary frontal dune along an open coast and in other areas (inaudible) to have a velocity wave action from storm or seismic sources. It also defines a primary frontal dune as a continuous or nearly continuous mound or ridge of sand which relatively (inaudible) seaward and landward slope immediately landward and adjacent to the beach and subject to erosion and (inaudible) from high tides and waves during major coastal storms.

The town code further in Section- Chapter 12 Section 31 of the code states that the authority to enforce the chapter is conferred upon the code enforcement official. I am saying this because I have twice asked that the code enforcement official to record and to- I've asked for a copy of the town code enforcement recording of the violation and I have been told flatly by the code enforcement officer that the problem was sent down to the building department.

The building department is not responsible for code enforcement. The town code states it clearly.

And if I can't get a report from code enforcement stating the situation, I cannot get an answer from the building department because when I finally did get to speak to Mr. Leroy Barnes about a week and a half ago, and after speaking to Mr. Barnes, I was told Mr. Pensis, like it or not, that house is going to be built. And when I further went on and said why should it be built if it is not according to town code, I was told that what will you do, have it torn down? And my answer was yes I will if I have to (inaudible).

On July 8<sup>th</sup>, my neighbor Patrick Shields violated the terms of in May 2003 he (inaudible) a variance ruling. The ZBA variance allowed him to do a renovation in an addition to an existing cottage situated within the coastal erosion high hazard zone as long as he specifically kept the west wall and the foundation of the west wall of the existing cottage as an engineering part of the new construction and in order to also minimize the erosion damage to the bluff.

The terms of the ZBA variance was specific (inaudible) ZBA determination. The existing foundation and wall that is currently supporting the bluff shall remain therefore ensuring the bluff's integrity. It is the understanding of the board that this project is not a total demolition with the construction of an entirely new structure and that the project be considered a renovation in conformance with the provisions of the town code.

There shall be minimal disturbance to the bluff area and to the access roadway leading to the construction site and there will be a full restoration of the environmental areas upon completion.

The proposed front yard decking shall be composed of material made from brick, concrete or other masonry products thereby ensuring no further (inaudible) encroachment to the top of the bluff.

Patrick Shields knowingly and willfully broke the terms of the ZBA coastal variance by removing on July 8, 2006 the west wall of the cottage and its foundation. In doing so, he forfeited his rights to the coastal erosion (inaudible).

The ZBA variance ruling is specific in its directive. The town code prohibits new construction in the coastal erosion zone. The ZBA variance is also specific in its determination of what total square footage expansion is allowed in order to institute a minor addition to a renovation as well as in its determination of the materials to be used for patio and deck areas within the coastal erosion zone.

On May 24, 2004, the town of Riverhead issued a building permit. The plans that was filed with the building department do not conform to the ZBA May 24, 2003 ruling nor do they conform to the town code. The permit conflicts with the total square footage allowed by the ZBA ruling as well as with the ZBA determination of the kinds of materials to be used for patios and decks.

The permit allows an above ground basement. The town code is specific about its determination of what constitutes the basement. A basement according to town code must be partially underground with more than 50% of its surface above ground. The building plans as filed called for the entire first floor of the structure to be above ground since excavating is not allowed- is not an allowed activity in the coastal erosion zone.

The proposed structure is therefore not composed of a basement plus two floors but it is composed of three floors. Three floors are

not allowed in the district in which the proposed structure is planned. The structure's footprint is 2300 square feet according to plans filed with three floors of living space and a proposed 900 square foot deck translate in my calculation to 7800 square feet which is more than 100% above and beyond the square footage originally allowed by the ZBA renovation/addition variance.

The type of material used for patios and decks also conflict with the materials required by the ZBA variance determination. The ZBA variance required and I quote, brick, concrete, or other masonry products in order to ensure no further encroachment at the top of the bluff area.

Finally, the plan as filed do not conform to Chapter 65 Section 18 Residential Structures, coastal high hazard areas of the town code. Patrick Shields violated the coastal erosion laws as well by digging a five foot deep cut into the bluff which removed the protected bluff vegetation and put the bluff in major danger of wind velocity and erosion.

The Riverhead town board has been given photographs documenting all of these activities. The town of Riverhead is the lead agency designated by the state to implement the coastal erosion area regulation. Chapter 12 Section 31 of the town code states that the authority for enforcing the regulation of Chapter 12 is conferred on the code enforcement official.

I have asked code enforcement on two separate occasions to inspect the site and to take a record of the violations. But the code enforcement officer told me that the problem has been forwarded to the building department. Contrary to what code enforcement thinks, this is not a building department issue especially when I get Mr. Leroy Barnes to tell me that (inaudible) is going to build, like it or not.

But it is a coastal erosion issue. The town code is specific as to which department the responsibility falls under for recording and taking the proper action to remedy the violation. Town code assigns that responsibility to code enforcement.

In the last five weeks, I have informed the Riverhead planning department, the Riverhead building department, the code enforcement division, the town attorney's office who has told my attorney that she was tired of their client, as well as the Riverhead town board of the violation.



I was finally told today after going to the Supervisor's office that the Supervisor was waiting for a letter from the ZBA attorney as well as for a letter from the planning department. I would like to point out again that the ZBA was specific in its May, 2003 determination and that it does not take an attorney to understand the content or the intent of the ZBA variance or of its terms.

I would also like to point out that the ZBA's responsibility lies in determining the terms of the original variance. Once that is done, it is not within the ZBA's authority to judge upon Patrick Shields' compliance with the terms of the variance or for that matter his compliance to the coastal erosion regulation as in the case of the bluff cut violation. That authority does not lie with the ZBA. It does not lie with the DEC tidal wetlands division. It does not lie with the building department.

The authority and the responsibility lies entirely with the planning department of the town of Riverhead or whether the town of Riverhead designates as the lead agency since the town of Riverhead has been designated by the state as the agency authorized to implement the coastal erosion regulation.

I, therefore, ask the town board for a resolution to this issue and further ask that in view of all of the facts mentioned today, the town board revoke the existing permit issued Patrick Shields in error since it conflicts with both the ZBA 2003 variance determination as well with the town code.

I ask for the town of Riverhead to notify Mr. Shields that as a result of his removal of the west wall of the cottage and his infraction to the terms of the ZBA 2003 variance, that any construction on the site will be construed by the town as new construction which is an activity not allowed in the coastal erosion zone under town code.

I further respectfully ask the town board for Patrick Shields to be fined for violations of the coastal erosion regulations by cutting into the bluff area and endangering the environment and that he be directed by the town to immediately restore and replant the bluff as required by the coastal erosion regulation in order to prevent any further erosion and damage to the neighboring property.

I thank the town board for your attention this evening and I'm looking forward to a speedy and code abiding resolution to this environmental problem."

Supervisor Cardinale: "Thank you for your comments. And we will look into them as much as we can.

Is there any other comment from any member of the public? Yes."

Patricia Holland: "Patricia Holland, Hamlet of Northville in Riverhead. What Mr. Pensis just described is so obvious. If someone has tried to build and does not follow the rules and violates every single thing that he's told to do, how can he possibly be allowed to keep going? Plus I really believe that if you let anybody build in a coastal erosion zone, you are opening (inaudible) to a terrible future. You're giving him a precedent.

And let's pretend another Katrina. This thing is built. We have— they have— they won't have insurance, that's for sure because no insurance company in their right mind is going to insure a house in a coastal erosion zone. But if you issue a CO, then we as in the town, has approved this whole situation. Therefore, we will be sued and we will have to pay for this house and any other one built in that area. That whole area can't be built in anyway...

So I don't understand why Mr. Pensis has to go through all this because he has already given everybody on the town board all the information, all the chapters and verses, all the pictures and the whole thing. It's a fait accompli in my mind. This should not be."

Supervisor Cardinale: "Thank you. I should point out just in the interests of completeness, that the town board has not had this application before it. What has happened here is that the ZBA and I believe the planning board considered and granted what they granted with conditions as stated.

I— the town board did not like their interpretation of the law and in fact changed the law so that this cannot happen again. What has then ensued is litigation which is one of the reasons it was considered in the executive session, on this instance but it can't— we have made ourselves clear as a board by changing the law that permitted the interpretation that the ZBA made. Now Mr. Pensas is (inaudible) for his— what he considers is justice in this instance. I'm particularly intrigued and I've discussed this several times with the town attorney and others as to this issue of whether in the implementation of the decisions of the ZBA which obviously we didn't agree with because we changed the law, there have been conditions violated.

I have asked and to be precise, I have not asked Mr. DeSimone. I have not asked the planning board's counsel Richard Ehlers, I have asked the planning board and the zoning board of appeals if they wish the town board to take any action or to direct any action in the building department because of conditions that have been violated in the approvals obtained in this matter.

That's what I'm awaiting and I think, Dawn, we're still awaiting that. Correct?"

Dawn Thomas: "I have verbal."

Supervisor Cardinale: "Okay. I want something in writing as you know. I want writings from both the planning board and the ZBA that they are satisfied or they are not satisfied that their conditions have been fulfilled.

I am also going to look carefully at the one point that Mr. Pensis made. If the code enforcement officer is, in fact, the arbiter of whether there has been a violation, then it strikes me the code enforcement officer ought to go out there and be permitted to exercise his independent discretion as to whether or not he believes a violation has taken place. And I don't want to extend this, but brief comment."

Patricia Holland: "I can be very wrong about this part but I think the ZBA people even if they have good intentions, don't really have training. If I want to appeal something, I just go to a higher court. I don't go to someone who knows less than the original or as much as the original. Is that not true?"

Supervisor Cardinale: "Right. The ZBA, of course, is subject to review by the Supreme Court which is exactly where Mr. Pensis has brought them."

Patricia Holland: "Because you are the Supreme Court."

Supervisor Cardinale: "No, not us. It's the Supreme Court of the State of New York."

Patricia Holland: "Oh, okay."

Supervisor Cardinale: "We have no control over the ZBA's decision and the only thing we can do when we disagree with a decision of the ZBA is exactly what we did. They interpret the law that we

pass, okay? And if we disagree with their interpretation, then we are allowed to change the law. And in this instance, we did that."

Patricia Holland: "Thank you."

Mr. Pensis: "I am not contesting the ZBA decision and I think I have to clarify that point because you don't seem to be answering the question as I asked."

There was litigation. The litigation is over. I am contesting the fact that the actually the ZBA ruling was not followed by the- "

Supervisor Cardinale: "You are now doing that. But you initially challenged- "

Mr. Pensis: "I know. But all the rest of it is over now."

Supervisor Cardinale: "Okay, I understand."

Mr. Pensis: "There is no sense rehashing that."

Supervisor Cardinale: "Okay."

Mr. Pensis: "It cost us a lot of money to prove that the judge sided with the town which is fine. But at this point, what I am contesting is- and I am contesting it to you as the code enforcement person as the town with the ability to have the code enforcement (inaudible)."

I am contesting the fact that Mr. Shields turned around and totally disregarded the ZBA regulations and is actually now trying to build a new construction within a coastal erosion zone since the only way that- and it doesn't take an attorney to understand the ruling of the ZBA that the west wall of the existing cottage has to remain in order to classify this as a renovation.

I am contesting the fact that this is not longer a renovation. I am perfectly happy with the Supreme Court ruling but I am not happy with the fact that the town even though it is in black and white in their code, stating that code enforcement is the division that has to take care of the infraction, that that cannot be done because I am told that it will be turned over to the building department."

Supervisor Cardinale: "Okay. On that very point, Dawn, is that accurate, that code enforcement would be the entity which would

determine whether or not the conditional approval of the ZBA has resulted in violations of law or regulations?"

Dawn Thomas: "I would have to read that section. I will."

Supervisor Cardinale: "If that's the case, I would be glad to order them tomorrow to consider all of what they--the evidence at the site and your pictures and issue or not issue within their independent discretion a violation."

Mr. Pensis: "Mr. Cardinale, the code is on line. Anybody can read the code. The code--"

Supervisor Cardinale: "That's what I want her to do."

Mr. Pensis: "-- we don't need Miss Thomas to interpret the code. The code is there in black and white."

Supervisor Cardinale: "What section is it? I mean I have confidence in my town attorney that she reads the law."

Mr. Pensis: "Well, you have more confidence in her than I do and I can appreciate that."

Supervisor Cardinale: "Okay. Let me have the section. I promise to look at it myself."

Mr. Pensis: "Okay. It's Chapter 12, Section 31 enforcement. The authority for enforcing this chapter is hereby conferred upon the code enforcement official. The code enforcement official has the power and duty to (a) transmit written notice of violation to property owners and to other responsible person; (b) perform compliance inspections; (c) and submit report--"

Supervisor Cardinale: "But it's-- I think the issue I have as an attorney on that reading is this. Are you alleging a violation of a code provision and if so what? Or are you alleging a violation of a condition of a zoning board of appeals decision?"

Mr. Pensis: "I am not alleging. I am alleging a coastal erosion violation and that coastal erosion violation is your responsibility as lead agency."

Supervisor Cardinale: "Okay. Not-- could you tell me what coastal erosion zone provision is being violated precisely? Is it in

the law or-- because you're reporting from the decision of the ZBA (inaudible)."

Mr. Pensis: "In order to build what Mr. Shields wants to build in a coastal erosion zone, he is asking to build new construction because he demolished what was left to be-- what could be construed as a renovation which was as we all agree and you seem to agree to somewhat of a twisting of the regulations by the ZBA official (inaudible)."

Dawn Thomas: "I don't know if that's what you said. I don't know if you suggested it was twisted, whether-- "

Supervisor Cardinale: "I'm still having difficulty with if-- here's what my problem is and if you can help me, I'd be very happy-- "

Mr. Pensis: (Inaudible)

Supervisor Cardinale: "Okay, here's what I'm looking for. If I send out a code enforcement official, I tell him look at the coastal erosion zone, look at this section of the coastal erosion zone regulation, determine if that is violated at the site, either physically present now or in your pictures that you have-- I don't even know what section it is-- "

Mr. Pensis: "What the violation is is the building permit, because the building permit allows for building this building and you cannot build within the coastal erosion zone since it is not an allowed activity according to town code."

Supervisor Cardinale: "Assuming it to be a new construction, not a renovation."

Mr. Pensis: "But how can it be a renovation when the only issue to claim it as a renovation was to leave the west wall which you have full proof that it was removed-- "

Supervisor Cardinale: "And replaced. And replaced."

Mr. Pensis: "That's why I need code enforcement. It was replaced with-- sitting on concrete block without any attachment and with sand covering the concrete block. You can-- if code enforcement wants to meet me there, I will show them (inaudible). Since it has

been-- it was put back the following week after it was removed, the people took three hours to put it back. I took pictures when they were taking it from a neighbor's land.

They actually put a concrete block in the ground horizontally, a concrete block vertically above this, and then they laid the partitions over six concrete blocks. In one case and I took a picture of it just last weekend as a matter of fact, the wind erosion already took the sand away from the concrete block and they had propped it with a buoy from a ship. So that it would hold up. It's also held up by two by fours which are propped against the ground. If I went there and pushed on it physically it would be-- it would be apart.

So it was as I told in my letter to you a true Hollywood set type of reconstruction. And it cannot be under anybody's legal advice construed as the foundation and the walls of an existing-- of a pre-existing structure. And even at that, as an attorney, I think you would have to agree that what's taken down even if it was put back up with concrete, it was taken down and the law was broken."

Supervisor Cardinale: "Well, I think that you need an independent analysis by a code enforcement officer but I think that what's going to happen here, it's a close-- the code enforcement officer is going to ask the ZBA whether when they made that condition, the removal of the wall and then its replacement at the site was satisfactory to fulfill that condition."

Mr. Pensis: "Why don't you ask the state DEC (inaudible)."

Supervisor Cardinale: "Well--"

Mr. Pensis: "Because that's another point. That, you know, all along the town has pleasantly or stupidly mixed up the tidal wetland permit against the coastal erosion permit. The tidal-- the construction may be perfectly acceptable to the tidal wetland permit but the coastal erosion permit for which you the town of Riverhead is responsible has been violated and ask them if you cannot make that decision, then be humble enough to ask the state to make the decision."

Supervisor Cardinale: "Thank you. I will-- yes."

Ed Purcell: "I just have a quick general question. When somebody goes in front of the ZBA or-- and gets either a permit or a refusal for a permit, who checks their property to make sure that they

didn't do what they wanted to do anyway? Because I know some people have, you know, they said I want this and they said no you can't have this and later on they put it up anyway."

Supervisor Cardinale: "The Building department when it issues the permit has inspection responsibilities. Yes, sir."

Mr. Moran: "My name is (inaudible) Moran. I'm president of the Northville Beach Civic Association and one of the things that we'd like to reinforce that we are completely behind our local resident in his quest to stop this particular type of building.

I have bought one of the Council-- town board members down to show him a long time ago where it was to be built and what they were thinking of doing and it just doesn't work there. The bluffs are in danger. Taking away five feet of the bluff is going to endanger the property right next to them by the wind that is there, excessive wind or by a storm surge.

We're coming to the hurricane season. What happens if there is a storm surge there due to the hurricane? With the removal of the vegetation, that bluff is going to be destroyed.

Last October, when we had those massive rainstorms, the bluffs along the Sound, five areas in the Northville area were seriously damaged. The amount of water that was dropped upon the area washed out and damaged many foundations of houses in that area. It's an endangered parcel of land. It's pristine.

And we should be defending this and watching the buildings that are going in this particular area because it's destroying the beauty of what we have here in Riverhead. And I would appreciate it very much if you could get some sort of quick resolve in dealing with this issue because it's been going on a long time and the ZBA, maybe not--

Supervisor Cardinale: "Let me make sure that we understand this. One, the decision made by the ZBA and the planning board is not agreed with by the town board and they passed a law so that this could never happen again. It was challenged, the decision, and Mr. Pensis was unsuccessful.

Now we're in a whole other phase now and the phase is that even assuming that this decision is-- that is going to go forward as made by the ZBA and the planning board, they are cheating-- they are not



doing it right and the building department is letting them get away with it and I am going to tomorrow advise code enforcement to contact Mr. Pensis and to take-- and I want an independent judgment as to whether the permission granted and sustained in court which we disagreed with on this board and changed the law so it would never happen again, has been-- that decision has been now-- has been broadened by cutting out five feet of bluff and by removing a wall which had to stay or otherwise this would become a-- not a renovation but new construction.

If either of those two things happened and the code enforcement officer believes they happened, he should issue summonses and the permit should be pulled.

If it hasn't happened then he should make that judgment and advise us."

Councilwoman Blass: "Is the Chair of the planning board in town?"

Supervisor Cardinale: "The Chair of the planning board is Dick O'Dea. I'm not certain if he's-- I hope he's in town."

Councilwoman Blass: "The planning board is the agency in the town that is responsible for the Chapter 12 permit. If there is activity that is not consistent with Chapter 12, it's actually the chair of the planning board who is authorized to get code enforcement out there because they are the ones that issued that permit. That coastal erosion Chapter 12."

Supervisor Cardinale: "So-- "

Councilwoman Blass: "The Chair of the planning board, I know when I was chair, we issued-- we asked code enforcement to go out and check on certain activities that were reported to us that may not be subject or that were taking place without the benefit of a permit, in this case at least a five foot cut into the bluff is probably not something that the planning board permitted. I would think that would be the case. And that the Chair of the planning board-- "

(Inaudible discussion)

Councilman Bartunek: "I was responsible for rewriting Chapter 12 and I take rather personally any invasion into the bluff area (inaudible). I'm not going to say anything or make any other comments

in regards to some of the decisions by the zoning board.  
(inaudible)."

Supervisor Cardinale: "Do you have evidence-- do you have evidence of the cut into the bluff of five feet by pictures?"

Mr. Pensis: (inaudible)

Supervisor Cardinale: "All right. Okay. I-- do you-- who has them now because I would have sent them-- if I received them I would send them probably to the ZBA and the planning board."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Okay. We are going to-- I think there's support on the board that if in fact that violation has-- that's a pretty clear violation, either you cut into the bluff or you didn't cut into the bluff, it doesn't have anything to do with whether the wall was taken off and put back. If that's been done, it's a violation and the permit should be revoked.

Would you disagree with that, Leroy? Okay. So I would like to talk with my-- he said he would prefer not to comment and I said fine I'll speak with him privately and I will speak with Dawn privately. But I would-- I want to make certain that there's not a clear-- I understand this is complicated to some extent, but if there's a clear violation I'd like to know about it because I could use some clarify in this matter and George thinks there is clarity, there's a violation of a five foot cut into a bluff that was not permitted by the regulation and not permitted even by the decision."

(Inaudible comment)

Supervisor Cardinale: "Is there a stop work order at the site? There is not a stop work order on the building permit at this time. That would be one of the things that we would be discussing with counsel and Leroy but you made a very good presentation. I will certainly have it on our discussion items for Thursday. If there is a violation we will make certain that the summonses are issued and the permit revoked."

Dawn Thomas: "I just want to clear up one thing for the record. The comment that you alleged that I made to your attorney is absolutely incorrect."

(Inaudible comment)

Dawn Thomas: "I just-- would you like to hear what I really said? I told him that I'm tired of your e-mail continually sent to my employer maligning me and my character and my duties and my obligations. You did many times. It's not personal and I've never made it personal with you and I don't know why you suggest that I've done something inappropriate or incorrect and it's not what I said."

Mr. Pensis: "I never maligned your character. I only stated just facts. And the one thing I could not understand all along is why the town attorney should seem to take-- a town attorney should be totally unbiased."

Dawn Thomas: "Are you suggestsing I was biased?"

Mr. Pensis: "Well, I do feel-- "

Dawn Thomas: "I think that was maligning my character."

Mr. Pensis: "-- I do feel that when I brought up certain points, Mr. Shields' attorney seemed to be the person-- "

Dawn Thomas: "And that may be your impression or your opinion but I just want to clarify for the record that the Supreme Court sustained both the town's side on both of your litigations and that was handled by my office. It's not personal to you. I just want to make sure that you understand that there was no bias on my part-- "

Mr. Pensis: "I understand totally Ms. Thomas-- I also understand-- "

Dawn Thomas: "Excuse me, if you don't mind that I finish because it's important. I defended the town's position. I did my job and I was sustained by the Supreme Court on two occasions. It is not personal to you and I take offense to your e-mails and I take offense to your comments made here publicly tonight. So I need to clarify for the record."

Mr. Pensis: "Okay. I appreciate your answer to it. I will say this. The-- yes, the Article 78 was in your favor."

Dawn Thomas: "Not my favor, the town-- my client's-- "

Mr. Pensis: "The covenant issue was also in the town's favor."

Dawn Thomas: "That's correct. Yes."

Mr. Pensis: "Although if a judge had looked at every phase and-- "

Dawn Thomas: "Mr. Pensis, you can always appeal that decision."

Mr. Pensis: "I understand that. But since there was an affidavit from the Chairman of the planning committee stating that the covenants had been part of the original Article 78, since nothing ever appeared in any of the minutes of the Chapter 78-- Article 78 about the covenants, I doubt very much--"

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "I want to end this by saying this. I think it's been very constructive and helpful to the board, me particular and the rest of the board. We're not arguing about the Supreme Court case. We won the Supreme Court. All we're arguing about is the implementation of the conditions of the decision granted and upheld and whether there was in the process of the building permit being exercised violations of the coastal erosion zone and if there were, then appropriate action will be taken by Thursday."

All right, thanks. Anybody? Yes?"

(Inaudible comment)

Supervisor Cardinale: "Thank you. I appreciate that and I'd like to get this resolved. I'm sure the whole board would. We'll have it done by Thursday and we'll take some action."

If there is further comment-- "

Mr. Moran: "I have a second point with regards to another environmental issue in the North Fork Preserve. It's some of the drainage problems that we have coming from there and the county's inaction upon resolving the problem. It's not the town's problem."

Supervisor Cardinale: "I understand. Yes, I'm familiar with it."

Mr. Moran: "And basically Chris Kent told me that you were going to have a meeting with Steve Levy possibly-- "

Supervisor Cardinale: "Yes."

Mr. Moran: "-- is it going to have this issue on the list?"

Supervisor Cardinale: "Yes. I have 16 and he said he had 12 and this is one of the 16 that we want to discuss."

Mr. Moran: "Did you need any sort of assistance (inaudible). I've been dealing with the issue for 13 months. We have residents who have been dealing with it since 2002."

Supervisor Cardinale: "We're going to have to set up that meeting. In fact today we had on Peconic Avenue another issue come up. When I do, a summary page would be very helpful of-- so I can brief him quickly on this issue and say what you need to do is direct your Department of Public Works--"

Mr. Moran: "It's now-- it went to Vector Control. It's now with Public Works. It's been to the county attorney's office to find out who's liable for (inaudible). An answer was resolved. I'm trying to get a full understanding of what the answer actually is. He tells me on Friday it sounds like it's a no action suit in which the county is not responsible and the homeowner is not responsible because a lot of the title searches and deeds have no easement of the four pipes coming from the North Fork Preserve."

Supervisor Cardinale: "Typical government decision, nobody's fault and nobody's responsibility. Yeah. Yes, I could use a page if we go in on that issue from you. I'll talk to you before then. Yes?"

Larry Oxman: "Larry Oxman. The meeting on the 29th?"

Supervisor Cardinale: "Yes, 6:00. Town Hall."

Larry Oxman: "I'm a member of the BID, on the board, and we had a brief discussion about it last night. The meeting is with who and for what purpose?"

Supervisor Cardinale: "The meeting is information only, not required by any law, but it (inaudible) from the suggestion that-- a lot of the things that you're concerned about we haven't-- the parking district members, BID members and Chamber, I think we haven't yet reached in our discussions with the Apollo group. But we have begun to think about how we are going to approach them and we want to discuss that with them."

One obvious problem is the ability-- even with the (inaudible) of Apollo with maybe let's see, something like 300,000 square feet of new space downtown, the ability of the parking district to sustain the cost of the-- of a parking district, even with the new people in town Apollo. How are we going to do that? Will we get grants? That's a possibility. We expand the parking district. That's a possibility. Those kinds of discussions to show that we are thinking about this.

It's not that we're trying to keep anything from them. It's just that we don't have the answers yet either and I said when we signed that agreement, when we authorized that agreement, that that's the easy agreement we did. The hard agreement is going to be the land disposition agreement because there's about four or five issues we could-- we could scuttle the deal on. But I want to go in with as much effort as possible and with as much support because we had that-- you know the phamplet they had-- the brochure about Apollo-ville which is idiotic? I want to dissuade that kind of lack of information becoming made up information. So it's an informational meeting, the Chamber, the BID and the parking district specifically."

Larry Oxman: "Are the-- "

(At this time, the CD ended)

Additional speakers:

John Dunleavy re parking district

Angela DeVito

Meeting adjourned: 9:30 p.m.

*Barbara Hutton*  
Town Clerk